

SECTION 65: NUTRITION SERVICES**65.01 PURPOSE**

Maine's nutrition program assists older people to remain healthy and active in their communities and to avoid premature or inappropriate institutionalization. The program provides meals which contain at least one-third of the Recommended Dietary Allowances (RDA), social contact and access to other services. Priority for community and home delivered nutrition services is given to people age 60 and older with the greatest social and economic need.

65.02 REQUIREMENTS OF NUTRITION PROVIDERS

- (A) Requirements of Nutrition Providers.** Each nutrition provider receiving Bureau of Elder and Adult Services administered funds must:
- (1)** Utilize Area Agency on Aging (AAA) outreach staff to assure that the maximum numbers of eligible people have an opportunity to participate in the nutrition programs.
 - (2)** Assure that nutrition consumers have access to a coordinated system of information and assistance in obtaining other services.
 - (3)** Comply with Section 40.05 of this manual with respect to confidentiality of information received.
 - (4)** Provide a nutrition manual to subcontractors, employees, volunteers, the Bureau of Elder and Adult Services and others working with the nutrition program. The manual must include sections on:
 - (a)** Sanitation;
 - (b)** Procedure for reporting food borne illness;
 - (c)** The handling and storage of leftover foods; and
 - (d)** Handling medical and other consumer emergencies.
 - (5)** Be licensed as an eating establishment by the State of Maine and meet the requirements of the Department of Health and Human Services Division of Health Engineering and local municipalities as required.
 - (6)** Immediately report any incidence of food borne illness to the Department of Health and Human Services, Bureau of Health with a follow-up report provided to the Bureau of Elder and Adult Services.
 - (7)** Provide special meals where feasible and appropriate to meet particular dietary needs arising from health or religious requirements or ethnic background of consumers.
 - (8)** Conduct periodic surveys, at least once a year, to obtain participant opinions about meal sites and food. The surveys must address food preparation, size of

portions, the frequency with which foods are served and the environment of the dining center. Surveys of home delivered meals participants must also ask about the temperature of the meals on arrival and the time of delivery. Each provider must also give participants who do not read or write or who do not speak English opportunity to comment. Responses from participants and a summary of results must be kept on file for inspection by the Bureau of Elder and Adult Services.

- (9) Participate, where feasible, in group purchasing efforts to maximize effective purchasing.
- (10) Report any suspicion of abuse, neglect or exploitation as required by 22 M.R.S.A. §3471 et seq. and 22 M.R.S.A. §4011-4017.
- (11) Maintain an envelope system for accepting meals donations which will protect the privacy of participants. The Food Stamp Electronic Benefit Transfer (EBT) system through Point of Sale (POS) terminals or Food Stamp Program vouchers may be accepted in lieu of cash. The donation system must be explained both verbally and in writing.

(B) Staff Requirements.

- (1) The AAA must designate a full-time nutrition director qualified through education and/or experience that is directly related to food services and nutrition. This requirement may be waived if all AAA nutrition services are subcontracted to other agencies or the AAA can demonstrate that it is adequately managing with an alternate staffing pattern. The nutrition director will provide program management for the congregate and home delivered meals programs including monitoring and assisting subcontractors, and supervising nutrition staff. The nutrition director will provide periodic information and training to nutrition staff and volunteers on services, referral and follow-up procedures, confidentiality, donations and other relevant issues.
- (2) The provider must have a Maine licensed dietitian on a staff, consultant or volunteer basis. The duties of the dietitian include:
 - (a) Reviewing menus, including those of subcontractors, and indicating changes which must be implemented.
 - (b) Providing dietary counseling to assist nutrition staff with meeting special dietary needs of consumers.
 - (c) Review modified diets available in the existing program with a consumer's physician to determine whether physician ordered dietary requirements can be met. If a consumer cannot be served, he or she will be informed in writing pursuant to Section 40 of this policy manual.

(C) Food Standard Requirements. Appropriate procedures must be established and followed to maintain nutritional value and ensure proper food handling and sanitation. Food preparation and delivery procedures must assure that:

- (1) Hot food items are packed and maintained at a minimum of 140°F;

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- (2) Cold food items are packed and maintained at a maximum temperature of 41°F;
 - (3) Frozen food items should be packed and maintained between 0°F and 30°F;
 - (4) Food temperatures are taken and recorded daily;
 - (5) Ghost meals are prepared and refrigerated within one hour of mealtime and kept for 48 hours;
 - (6) Hot home delivered lunch meals arrive at a time which is consistent with the preference expressed by the majority of participants in the periodic surveys of participants.
- (D) **Menu Planning.** All menus must provide at least one-third of the RDA as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council.
 - (1) Menus must be planned for a minimum of four weeks and must be approved and signed by a licensed dietitian at least one week prior to the initial use and kept on file for inspection by Bureau of Elder and Adult Services staff.
 - (2) Menus must be prepared with no added salt, a minimum of fat and must include a variety of low fat, low sodium, low cholesterol and low sugar foods while striving to maintain overall menu appeal and acceptability to consumers.
- (E) **Records and Reports.**
 - (1) Nutrition providers must keep records which allow them to meet reporting requirements.
 - (2) The AAA will make reports, in such form and containing such information as the Bureau may require, and comply with such requirements as the Bureau may impose to assure the accuracy of these reports.
- (F) **AAAs as Nutrition Providers.**
 - (1) AAAs directly providing nutrition services must have a waiver from the Bureau of Elder and Adult Services.
 - (2) The AAA must annually visit each nutrition site administered or subcontracted by the AAA, and must:
 - (a) Complete a Bureau of Elder and Adult Services approved site review form, including a list of corrective measures required, and provide copies to the site within 30 days of the visit.
 - (b) Ensure that sites correct all deficiencies noted on the site review form within 30 days of the site visit.
 - (c) Keep site review forms and documentation of corrections of all deficiencies on file and available for inspection by the Bureau of Elder and Adult Services.

- (d) Send site reviews which cite deficiencies which require Bureau of Elder and Adult Services action to the Bureau of Elder and Adult Services within 10 days of the site visit.
- (e) Inform the Bureau of Elder and Adult Services if a site fails to make corrections within the specified time frame.

65.03 CONGREGATE NUTRITION SERVICES

Congregate nutrition services provide meals, socialization and information in a community setting.

- (A) **Eligibility.** The following individuals are eligible for congregate nutrition services, in priority order:
- (1) People age 60 or older referred by Bureau of Elder and Adult Services adult protective services staff;
 - (2) People age 60 or older in greatest social or economic need;
 - (3) People age 60 or older including volunteers age 60 and older and their spouses of any age;
 - (4) Disabled people under age 60 who reside in housing facilities occupied primarily by the elderly where congregate meals are served;
 - (5) Disabled people under age 60 who reside with and accompany older people to the community dining site;
 - (6) Volunteers under age 60 who provide services during the meal hours;
 - (7) People under age 60 referred by Bureau of Elder and Adult Services adult protective services staff (subject to the availability of Social Services Block Grant Funds); and
 - (8) Handicapped or disabled people under age 60 (subject to the availability of Social Services Block Grant Funds).

Staff and guests under age 60 may eat at a Congregate Nutrition site if it does not deprive an eligible participant of a meal and they pay the full cost of the meal.

- (B) **Congregate Meal Site Requirements.** Congregate meal sites receiving federal funds will:
- (1) Have a paid or volunteer meal site manager who is responsible for all nutrition activities at the site as well as for the provision of home delivered meals. The manager must be qualified to work and communicate effectively with older people.
 - (2) Provide written notification to participants, the public and the Bureau of Elder and Adult Services of openings, closings, relocations, changes in days or hours of a community dining site at least ten (10) days in advance.

- (3) Meet site safety requirements and other requirements stated in Section 40 of this manual.

65.04 RIGHT OF APPEAL REGARDING CONGREGATE NUTRITION SERVICES

- (A) Services may be denied, reduced or terminated when:
1. The consumer does not meet the eligibility requirements in Section 65.03 (A); or
 2. The physician ordered dietary requirements for the consumer cannot be met by the modified diets available in the program; or
 3. The consumer engages in sexual or other illegal harassment of an employee or volunteer of a provider; or
 4. The consumer's participation puts others, including service providers, in danger; or
 5. Funds are not available.

(B) Denial, reduction or termination of services under Section 65 shall be done in accordance with Section 40 of this policy manual.

65.05 HOME DELIVERED NUTRITION SERVICES

Home delivered nutrition services provide meals to eligible consumers in their homes.

(A) Eligibility.

- (1) In order to be eligible to receive home delivered meals, a person must:
- (a) be in one of the groups identified in 65.05(A)(2);
 - (b) be homebound or otherwise isolated;
 - (c) be unable to prepare their own meals or lack support to have meals prepared for them;
 - (d) not be residing in assisted housing where meals are available; and
 - (e) sign a home delivered meals assessment saying the information on the assessment form is true and that they wish to receive home delivered meals.
- (2) Eligible consumers include, in priority order:
- (a) People age 60 or older referred by Bureau of Elder and Adult Services adult protective services staff;
 - (b) People age 60 or older in greatest social or economic need;

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- (c) People age 60 or older and their spouses of any age if, according to criteria determined by the AAA, receipt of the meal by the spouse is in the best interest of the homebound older person;
- (d) People under age 60 with a disability who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided;
- (e) People under age 60 with a disability who reside with people receiving home delivered meals;
- (f) People under age 60 referred by Bureau of Elder and Adult Services adult protective services staff (subject to the availability of Social Services Block Grant Funds); and
- (g) People under age 60 with a disability (subject to the availability of Social Services Block Grant Funds).

(B) Federal Funding. All home delivered meal providers receiving federal funds will:

- (1) Provide home delivered meals to consumers within two (2) working days from the time of referral.
- (2) Complete a Bureau of Elder and Adult Services approved assessment within nine (9) working days from the time of referral. The assessment will determine eligibility, the frequency of and for how long meals will be provided, based on the needs of the consumer, including consideration of other available supports to the consumer.
- (3) Reassess participant eligibility and need by using a Bureau of Elder and Adult Services approved assessment form, at least every six (6) months.
 - (a) Clients who have chronic medical conditions which do not generally improve, may after six (6) months, be reassessed over the telephone. Thereafter, reassessments may alternate every six (6) months between face-to-face reassessments and telephone reassessments.
 - (b) All clients not covered by paragraph 65.05(B)(3)(a) must be reassessed in person at least once every six months.
- (4) Provide participants with a frozen or shelf stable emergency meal for use when meals cannot be delivered and replace the emergency meal when necessary.
- (5) Inform participants of other available benefits and programs, and with the participant's permission, provide referral and follow-up to other services.

(C) Waiting List. In the absence of sufficient funds to accept new participants, a waiting list will be established based on a preliminary telephone screening with the applicant or representative. The AAA will assure that a waiting list is maintained for each meal distribution point. Applicants will be informed of other services available and, if appropriate and with their permission, be referred to those other services.

When funds are available to remove individuals from the waiting list, they will be added to the program on a first-come, first-serve basis in the priority order outlined in Section 65.05 (A) (2). To determine eligibility, a BEAS approved assessment form must be completed within nine (9) working days of delivering the first meal.

65.06 RIGHT OF APPEAL REGARDING HOME DELIVERED MEALS

(A) Services may be denied, reduced or terminated when:

- (1) The consumer does not meet the eligibility requirements in Section 65.05(A)(1) and (A)(2); or
- (2) Based on the consumer's most recent assessment services are reduced to match the consumer's needs; or
- (3) The consumer declines services; or
- (4) The physician ordered dietary requirements for the consumer cannot be met by the modified diets available in the program; or
- (5) The consumer engages in sexual or other illegal harassment of an employee or volunteer of a provider; or
- (6) The consumer's participation puts others, including service providers, in danger; or
- (7) Funds are not available.

(B) Denial, reduction or termination of services under Section 65 shall be done in accordance with Section 40 of this policy manual.

65.07 NUTRITION SERVICES INCENTIVE PROGRAM (NSIP) MEALS REIMBURSEMENT

The United States Department of Health and Human Services Administration on Aging (AoA) allocates funds to the Bureau of Elder and Adult Services based upon the number of congregate and home delivered meals served to eligible people under the Bureau of Elder and Adult Services administered Nutrition Program. The allocation is based on the number of meals served in the previous year in proportion to the total number of meals served by all states that year. Meals counted for purposes of NSIP reporting are those that satisfy the criteria in 65.02 (C) and (D) of this Section. The Bureau of Elder and Adult Services will choose whether to receive reimbursement in the form of cash or commodities. The Bureau of Elder and Adult Services will distribute all food and/or cash received from the AoA to eligible AAAs based on meal counts. The AAA and their subcontractors must comply with the requirements in 65.02, 65.03 and 65.05 of this Section for participation in the NSIP.

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- (A) **Subcontracts.** AAAs must have a written contract with nutrition subcontractors requiring that the subcontractors meet Federal and State rules and regulations and assuring access by the Bureau of Elder and Adult Services and the AAA to financial records and reports. The AAA will monitor sites as required in Section 65.02(F)(2) to ensure compliance with the contract and provide technical assistance to agencies and groups receiving NSIP resources.
- (B) **Reports.** By the fifteenth (15th) of each month the AAA must submit a report to the Bureau of Elder and Adult Services, in a format approved by the Bureau of Elder and Adult Services, which includes the number of meals for which NSIP funding was used.